

Remarks

Claims 1-4 and 7-9 are pending. Claims 1, 3 and 7 have been amended.

Objections to the Specification

Applicants have herewith amended the specification to address the objections raised by the Examiner and to correct a typographical error and an inadvertently presented statement. However, with respect to the objection to the specification on page 7, please note that with the communication submitted August 19, 2004, Applicants submitted corrected the drawings to providing correct labeling for Figures 18A-18C. As such, there is no Figure 17C in the present application.

Rejections under 35 USC 112

Claims 1 and 3 have been rejected as failing to comply with the written description requirement.

In response, and in accordance with a telephone interview conducted with the Examiner on June 26, 2006, Applicants have amended claim 1 to specify that that the claimed polypeptide is a 90 kDa fragment of SEQ ID NO:32, and have amended claim 3 to specify that the claimed polypeptide is a 35 kDa fragment of SEQ ID NO:32. Therefore, the contention that the claims encompass a highly variable genus of 90 kDa or 35 kDa polypeptides which comprise SEQ ID NO:61 is rendered moot. Applicants respectfully request the Examiner to remove the stated rejection.

Rejections under 35 USC 102(b)

Claim 7 has been rejected as anticipated by Shimkets et al. (WO 01/40521 A2, 2001). It is asserted that Shimkets et al. discloses a 14 amino acid peptide which includes SEQ ID NO:61, and that because original claim 7 recited a peptide of “about” 10 amino acids, the 14 amino acid peptide of Shimkets et al. anticipates the peptide of claim 7.

In response, Applicants have amended claim 7 to recite a peptide of between 6 and 10 amino acids comprising SEQ ID NO:61. Thus, Shimkets et al. does not anticipate the present invention, and the Examiner is respectfully requested to remove the stated rejection.

Claim 3 has been rejected as anticipated by Ruggeri et al. (US Patent No. 5,340,727). The Examiner has imposed this rejection based on the interpretation of claim 3 as only requiring a polypeptide of about 35 kDa that comprises the sequence of SEQ ID NO:61. However, with the present amendment to claim 3, it is clear that the claimed polypeptide is a 35 kDa fragment of SEQ ID NO:32. Therefore, the polypeptide of Ruggeri et al. does not anticipate the present invention and the Examiner is respectfully requested to remove the stated rejection.

Claim 1 has been rejected as being anticipated by Guan et al. (J. Biol. Chem. (1992) Vol. 267, pp 10024-10030). The Examiner has imposed this rejection based on the interpretation of claim 1 as only requiring a polypeptide of about 90 kDa that comprises the sequence of SEQ ID NO:61. However, with the present amendment to claim 1, it is clear that the claimed polypeptide is a 90 kDa fragment of SEQ ID NO:32. Therefore, the polypeptide of Guan et al. does not anticipate the present invention. Accordingly, the Examiner is respectfully requested to remove the stated rejection.

Conclusion

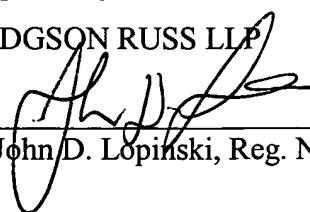
Based upon the amendments and arguments presented herein, Applicant believes the present application is now in condition for allowance and respectfully requests the Examiner to allow all the claims.

It is believed no fee is due with this response. If any fee is due, the Examiner is authorized to charge it to Deposit Account No. 08-2442.

Respectfully submitted,

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